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WESTERN DISTRICT OF LOUISIANA
LAFAYETTE, LOUISIANA

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE-OPELOUSAS DIVISION

DONNA RATLIFF

CIVIL ACTION NO. 05-1194

VS.

JUDGE DOHERTY

BAY LTD.

MAGISTRATE JUDGE METHVIN

RULING ON AMOUNT OF RULE 37(d) SANCTIONS

On November 22, 2006, the undersigned granted the motion to compel filed by defendant Bay Limited ("Bay Ltd.") and awarded sanctions pursuant to Fed. R. Civ. P. 37 (a)(4).¹ On November 29, 2006, Bay Ltd.'s counsel filed a Motion for Affidavit Fees.² Plaintiff, Donna Ratliff, filed an opposition.³

Bay Ltd. seeks an award of \$636.10, representing \$630.00 in legal fees and \$6.10 in expenses.⁴ Bay Ltd. requests an hourly rate of \$225.00 for attorney Ellis B. Murov, who spent 2.80 hours in connection with preparing the motion to compel.

Rule 37(a)(4) FED. R. CIV. P. provides that when a motion to compel is granted the court shall require the party whose conduct necessitated the motion to pay to the moving party the reasonable expenses incurred in making the motion, including reasonable attorneys' fee. Reasonable attorneys' fees are determined by multiplying the reasonable hours expended by a reasonable hourly rate. Hensley v. Eckerhart, 461 U.S. 424, 434 (1983). The calculation of reasonable hours requires a determination of whether the total number of hours claimed were

¹ Rec. Doc. 25.

² Rec. Doc. 26.

³ The opposition was filed on December 18, 2006.

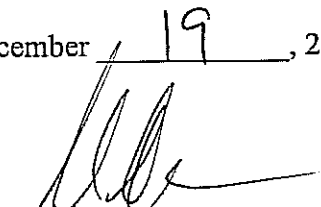
⁴ Rec. Doc. 26-3.

reasonable and whether specific hours claimed were reasonably expended. League of United Latin American Citizens #4552 (LULAC) v. Rosco Independent Sch. Dist., 119 F. 3d 1228, 1232 (1997). A reasonable hourly billing rate is based on the "prevailing market rates in the relevant community." Blum v. Stenson, 465 U.S. 886, 895 (1984).

The undersigned notes that the underlying discovery dispute was not complicated in that it was limited to the fact that plaintiff had not made herself available for a deposition in Louisiana. Thus, a substantial amount of legal research and time was not required in order for Bay Ltd. to file its motion to compel and brief. Considering the foregoing, and the affidavit and briefs of the parties, the undersigned concludes that an award of \$356.10 will reasonably compensate Bay Ltd. for the fees and costs incurred. This amount includes 2.0 hours of time expended by defendant's attorney at an hourly rate of \$175.00 and \$6.10 in expenses.

IT IS THEREFORE ORDERED that plaintiff shall forward payment to Bay Ltd.'s counsel of record the sum of \$356.10 within thirty (30) days following receipt of this order.

Signed at Lafayette, Louisiana on December 19, 2006.


Mildred E. Methvin
United States Magistrate Judge
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